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HUMAN RIGHTS COMMITTEE
Seventy-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Concluding observations of the Human Rights Committee

REPUBLIC OF MOLDOVA

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Republic of Moldova

1. The Committee considered the initial report of Moldova (CCPR/C/MDA//2000/1) at its 2029th and 2030th meetings, held on 18 and 19 July 2002 (see CCPR/C/SR.2029 and 2030) and adopted the following concluding observations at its 2038th meeting (CCPR/C/SR.2038), held on 25 July 2002.

A. Introduction

2. The Committee welcomes the State party's accession to the Covenant in 1993 and expresses its appreciation to the State party for its initial report. The report sought to provide a comprehensive framework of law and policy, though the Committee would have benefited by a greater focus on the practical realities of the enjoyment of Covenant rights. The Committee regrets the substantial delay in submission since the report was due in 1994.

3. While appreciating the delegation's comments on a series of questions posed orally by members of the delegation, the Committee regrets that an extensive number of questions remained wholly or partly unanswered at the conclusion of its discussion. Brief additional material was received in the week following the delegation's appearance, but the Committee continues to look forward to receiving full written responses to its questions, which the State party has undertaken to provide.

4. The Committee notes that the State party did not provide, either in its report or in its oral presentation, more detailed information on the situation in the Transnistrian region. While accepting that the Moldovan authorities' control over the Transnistrian region is limited and that parallel structures of governance have established themselves there, the Committee must nonetheless be in a position to assess the enjoyment of Covenant rights in the entire territory under the jurisdiction of the State party. It welcomes, however, the willingness of the authorities of the State party to engage in the pursuit of durable solutions to this matter, which would enable it to give fuller effect to its responsibilities under the Covenant in that region.

B. Positive aspects

5. The Committee welcomes the adoption in 1994 of a Constitution that includes provisions designed to protect the rights of persons within the jurisdiction of the State party, including non-discrimination and equality before the law, and to reinforce the State party's legal order with respect to rights contained in the Covenant. The Committee also appreciates the competence of the Constitutional Court to strike down legislation incompatible with these rights, as occurred, for example, in the Court's determination that the *propiska* regime (the requirement to obtain a permit for internal movement) was unconstitutional. The Committee further welcomes the abolition of forced labour in 1998, as well as the provision for alternative civilian service of equal duration in place of military service.

6. The Committee welcomes the State party's abolition of the death penalty. It invites the State party to accede to the Second Optional Protocol to the Covenant.

7. The Committee welcomes the State party's efforts to establish effective institutions to enhance the observance of human rights, including the Parliamentary Advocates (Ombudsmen) and the Centre for Human Rights, as well as additional parliamentary and executive human rights bodies.

C. Principal subjects of concern and recommendations

8. The Committee expresses its concern that, in response to members' questions, the State party indicated that no study had been undertaken to ensure that legislative and other measures in pursuance of Security Council resolution 1373 (2001) were in compliance with its obligations under the Covenant.

> The State party is under an obligation to ensure that counter-terrorism measures taken under Security Council resolution 1373 (2001) are in full conformity with the Covenant.

9. The Committee is deeply concerned at the conditions prevailing in the State party's detention facilities, in particular its failure to comply with international standards (as acknowledged by the State party), including the guarantees provided in articles 7 and 10 of the Covenant. It is particularly disturbed at the prevalence of disease, notably tuberculosis, which is a direct result of prison conditions. It reminds the State party of its obligation to ensure the health and life of all persons deprived of their liberty. Danger to the health and lives of detainees as a result of the spread of contagious diseases and inadequate care amounts to a violation of article 10 of the Covenant and may also include a violation of articles 9 and 6.

> The State party should take immediate steps to ensure that the conditions of detention within its facilities comply with the standards set out in articles 6, 7 and 10 of the Covenant, including the prevention of the spread of disease and the provision of appropriate medical treatment to persons who have contracted diseases, either in prison or prior to their detention.

10. The Committee is concerned that, despite recent attempts by the State party to halt the activities of persons involved in the smuggling of individuals, there continue to be widespread reports of extensive trafficking, particularly of women, in violation of article 8 of the Covenant.

> The State party should reinforce its efforts to put a stop to the trafficking of individuals, particularly of women, both originating in and in transit through its territory.

11. The Committee is concerned at the length of time that elapses in practice before a person suspected of a crime is brought before a judge, and at overly lengthy periods of pre-trial detention. The Committee is concerned by the apparently frequent administrative detention for significant periods of persons qualified as "vagrants".

> The State party should ensure that all persons suspected of a crime are brought promptly before a judge, as required by article 9 of the Covenant. In order to comply with articles 9 and 14, the detention of persons awaiting trial should also be reviewed periodically and their trials held without undue delay. The Committee recalls, moreover,

the obligation of the State party under article 9, paragraph 4, to enable persons in administrative detention to initiate proceedings in order to test the legality of their detention.

12. The Committee is concerned at provisions in the State party's law which raise doubts as to the full independence and impartiality of its judges, as required by article 14, paragraph 1, of the Covenant. In particular, the Committee is concerned at short initial appointments for judges, beyond which they must satisfy certain criteria in order to gain an extension of their term.

The State party should revise its law to ensure that judges' tenure is sufficiently long to ensure their independence, in compliance with the requirements of article 14, paragraph 1. The Committee emphasizes that judges should be removed only in accordance with an objective, independent procedure prescribed by law.

13. The Committee remains concerned that artificial hurdles continue to exist in the State party for individuals and organizations seeking to exercise their religious freedoms under article 18 of the Covenant.

The State party should ensure that its law and policy relating to the registration of religious organizations fully respect the rights of persons within its jurisdiction to full and free expression of their religious beliefs, as required by article 18.

14. The Committee is concerned that, contrary to articles 19 and 26 of the Covenant, the State television and radio broadcasting service (Tele-Radio Moldova) has been subject to directives inconsistent with the requirements of impartiality and non-discrimination with respect to political opinion.

The State party should take the necessary steps, including legislative measures, to ensure that the State broadcaster enjoys broad discretion as to programming content, and that competing views, including those of political parties opposed to government policy, are appropriately reflected in the broadcaster's transmissions.

15. The Committee is further concerned at the requirement of 15 days' advance notice of proposed assemblies to be provided to the relevant authorities. The Committee considers that a requirement of such length may unduly circumscribe legitimate forms of assembly.

The Committee should revise its law with a view to ensuring that the time periods required for advance notice to its authorities of assemblies, as well as the procedures applied to such requests and appeals against initial decisions, pay due regard to the ability in practice of the individuals concerned fully to enjoy their rights under article 21 of the Covenant.

16. The Committee is concerned that certain requirements that the State party places upon the registration of political parties, such as conditions with respect to the extent of their territorial representation, may violate article 25 of the Covenant by restricting the right of individuals to full expression of their political freedoms.

The State party should review its law and policy concerning the registration of political parties, removing those elements which are inimical to the full exercise of Covenant rights, in particular article 25.

17. While welcoming gradual improvements in the representation of women in Parliament and the executive, the Committee remains concerned that they continue to have a disproportionately low level of participation in the political and economic life of the State party, particularly in senior positions in the public sector and in business.

The State party should take appropriate measures to ensure that the participation of women in political, public and other sectors of Moldovan life is on a fair and equal footing with that of men, consistent with the requirements of articles 3 and 26 of the Covenant.

18. The Committee is concerned that the delegation was unable to respond to the question of whether the practice of relying on abortion as a means of contraception is a cause of the high level of maternal mortality in the State party.

The State party should undertake a careful assessment of the issue of abortion and maternal mortality and take the necessary measures to reduce the high maternal death rate.

19. While acknowledging steps that have been taken to improve the legal position of minorities, the Committee remains concerned at their situation in practice. In this connection, it expresses its concern at the situation of the Gagauz and that of the Roma, who continue to suffer serious discrimination, notably in rural areas.

The State party should increase its efforts to translate its international commitments under articles 26 and 27 of the Covenant into practical achievements for its minorities, including the Gagauz and the Roma in rural communities.

20. The State party should disseminate widely the text of its initial report, the replies provided to the list of issues drawn up by the Committee and the present concluding observations.

21. The Committee draws the attention of the State party to the guidelines of the Committee on the preparation of reports (CCPR/C/66/GUI/Rev.1). The second periodic report should be prepared in accordance with those guidelines, with particular attention paid to the implementation of the rights contained in the Covenant in practice. It should also indicate the measures taken to give effect to these concluding observations.

22. In accordance with article 70, paragraph 5, of the Committee's rules of procedure, the State party should provide within one year relevant information on the implementation of the Committee's recommendations in paragraphs 8, 9, 11 and 13 above. The second periodic report should be submitted by 1 August 2004.